



Inheritance Distribution Policy in Islamic Law: A Comparative Study of Indonesia, the European Union, and the Historical Context of Harun al-Rashid's Reign

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Abstrak

This research explores a crucial topic concerning the management policy of inheritance within the framework of Islamic inheritance law, by conducting a comparative study between Indonesia, the European Union (EU), and the economic policies during the reign of Harun al-Rashid. Considering the significance of inheritance in maintaining family economic continuity and ensuring equitable wealth distribution, this study aims to analyze and compare how different nations and civilizations regulate the management and distribution of inheritance. The study focuses on the legal frameworks of inheritance in Indonesia and the EU, including the principles of inheritance law, the distribution of heirs' rights, and mechanisms for resolving inheritance disputes. Furthermore, the research delves into the economic policies implemented during the era of Harun al-Rashid, particularly those related to wealth distribution systems, protection of family rights, and the role of the state in maintaining social welfare through inheritance management. A qualitative juridical-sociological approach is employed to understand how legal, social, economic, and cultural factors influence inheritance policies in the three contexts. Data is collected through in-depth literature review, analysis of legal documents and policies, as well as studies of Islamic historical and economic literature. The research aims to identify similarities and differences in inheritance management approaches, and to evaluate the effectiveness and fairness of each model. The findings are expected to offer valuable insights for formulating a more just, inclusive, and contextually appropriate inheritance policy in Indonesia, by taking into account the experiences of different legal systems and historical civilizations.

Keywords: Islamic Inheritance Law; Inheritance Management; Comparative Law; Harun al-Rashid; Inheritance Systems in Indonesia and the European Union

المخلص

الميراث قانون إطار في ال تركة إدارة ب سياسات ب تعلق حيويًا موضوعًا الدراسة هذه ت تناول في الاق تصادية وال سياسات الأوروبي، والاتحاد إندون يسيا، ب بين مقارنة إجراء خلال من الإسلامي، أسرقل الاق تصادي الا ستقرار ت عزيز في ال تركة لأهمية ونظرًا. الر شيد هرون الخليفة عهد م ت ل ف ي ف ية ومقارنة ت حل يل إلى ال دراسة هذه ت هدف ال ثروات، ب ع و ز ف ي ال عدالة وضمن في ل لم يرث ال قانوني الإطار على ال دراسة تركز. ال تركة وت وزيع إدارة لم مسألة وال حضرات الدول الورثة، و حقوق الأساسية، ال قانونية المبادئ ي شمل ب ما الأوروبي، والاتحاد إندون يسيا من كل هرون عهد في تفتت ال تي الاق تصادية ال سياسات في ال دراسة ت بحث كما باعات النز ت سوية وآليات ي ق ت حق في ال دولة ودور الأسرة، حقوق وحماية ال ثروات، ب توزيع ال م تعلقة ت لك خاصة الر شيد، ال قانوني ب ع الطائفي ال نوعي ال منهج على ال دراسة وت م تدم. الم يرث ت نظ يم خلال من ال م ت ر ف اه سياسات في ال ثقافية والاق تصادية والاجتماعية ال قانونية ال عوامل ت تأ ي ر ل فهم ال اجتماعي ثائق ال ووت حل يل معمقة، م ت ب ية دراسة خلال من ال بيانات جمع ت م. ال ثلاث ال سياسات في ال ميراث ال دراسة هذه دفوت ه، الإسلام والاق تصادية ال تاريخية الأدب يات ومراجعة ال سياسات، ال قانونية ب نموذج كل وعدالة ف عال ية وت ق ييم ال ميراث، إدارة منهج يات في والاخ تلاف ال ش ب ه ج م أ ت حديد إلى عدلاً أك ثر ميراث سياسات ل صياغة مهمة رؤى ت تقديم ف في ال بحث ن تائج ت سهم أن ال م توقع ومن وال حضارية ال قانونية الأنظمة ت جارب من الا ستفادة مع إندون يسيا، في واس تدامة وإنصافًا ال م ت ل فة.

هرون، ال قانونية المقارنة؛ تلك ال تر إدارة؛ الإسلام لم يرث قانون؛ ال م ت ف تاحية اتك ل حل ال الأوروبي والاتحاد إندون يسيا في ال ميراث نظام؛ الر شيد

A. Introduction

Inheritance is an integral part of the legal system and social life of a society, playing a significant role in ensuring the economic continuity of families and promoting social justice. In Islam, the law of inheritance is explicitly regulated in the Qur'an and Hadith, reflecting the importance of justice, balance, and the protection of individual and family rights. One of the main aspects of Islamic inheritance law is the policy of inheritance distribution, which assigns specific portions to heirs based on the closeness of family relationships, gender, and financial responsibilities.

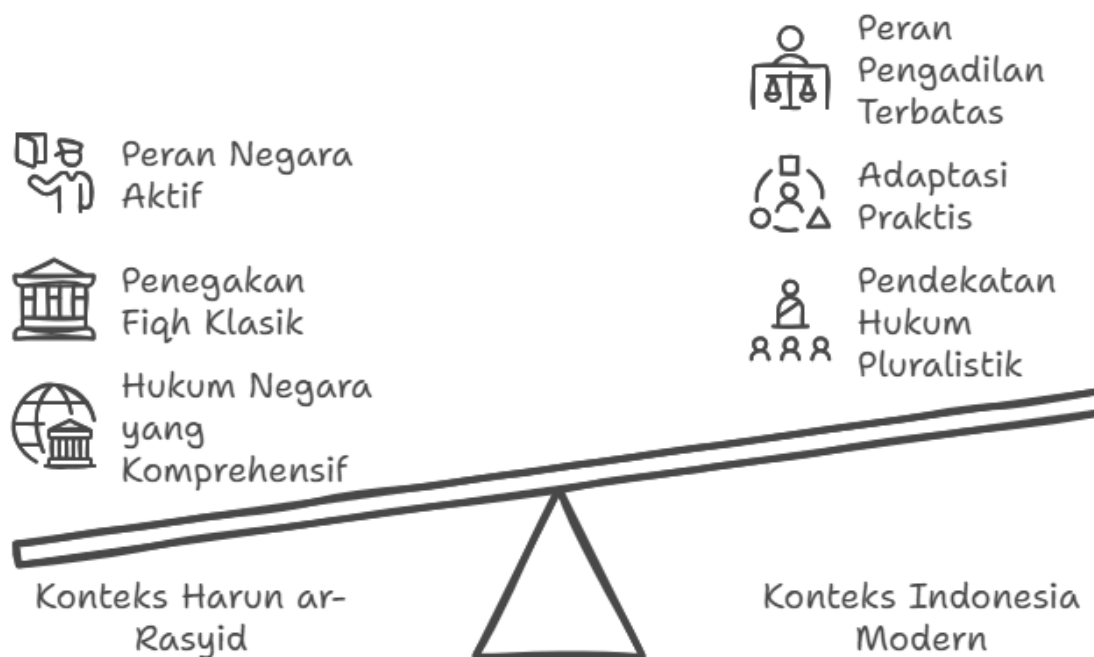
In Indonesia, as a country with a Muslim-majority population, the inheritance system reflects legal pluralism. Three primary systems apply: Islamic inheritance law, customary (adat) law, and Western civil inheritance law (as codified in the Burgerlijk Wetboek). Islamic inheritance law is officially applied through the Compilation of Islamic Law (Kompilasi Hukum Islam or KHI), which serves as a main reference in religious courts. However, the implementation of inheritance distribution policies in practice often faces challenges, especially in communities that still adhere strongly to customary norms, as well as in cases of conflict among heirs.

Meanwhile, the European Union (EU), which consists of various member states with diverse legal systems, takes a different approach to regulating inheritance. Some countries adopt civil law-based inheritance systems that grant the testator freedom in determining how their estate is distributed, while others enforce the principle of reserved portion to protect the rights of certain heirs. The lack of uniformity in inheritance distribution policies across the EU underscores the importance of comparative studies to understand both the common grounds and fundamental differences between Western and Islamic legal systems.

Looking further into the past, the inheritance distribution policies during the reign of Caliph Harun al-Rashid of the Abbasid Dynasty serve as an important reference for understanding how Islamic law was applied under a strong and influential government. Harun al-Rashid was known for his commitment to social justice and orderly economic governance, including the distribution of inheritance. At that time, Islamic inheritance law was not only a normative guideline but also a state policy supported by well-structured legal institutions.

This study aims to explore in depth the policy of inheritance distribution in Islamic law by comparing the legal system in Indonesia, inheritance regulations in the European Union, and historical practices during the reign of Harun al-Rashid. This approach is expected to provide a comprehensive overview of how inheritance distribution is managed in various legal contexts, while also evaluating to what extent Islamic principles of justice and welfare can be reflected in modern policy. Therefore, this research is not only relevant in academic discourse but also essential for the development of more inclusive and equitable national legal policies.

Table 1. Inheritance Distribution Policies in Islamic Law: A Comparative Review of Indonesia, the European Union, and the Historical Context of Harun al-Rashid's Reign"



Perbandingan Dinamika Warisan Islam antara Era Harun ar-Rasyid dan Indonesia Modern

B. Methodology

The method used in this research is a qualitative approach with a socio-legal (juridical-sociological) framework, enriched by analysis based on the Maqashid al-Shariah perspective. This method was chosen to provide an in-depth and comprehensive understanding of the dynamics of inheritance distribution policy in Islamic law, particularly in the comparative context of Indonesia, the European Union, and the historical governance of Harun al-Rashid. The juridical approach is employed to examine legal norms in both positive law and Islamic jurisprudence concerning inheritance, while the sociological approach focuses on how these policies are implemented within the social realities of each context. The Maqashid al-Shariah perspective is used to assess the extent to which inheritance distribution policies fulfill the core objectives of Islamic law, such as justice, protection of wealth, and family welfare. Data is collected through literature review, legal and policy document analysis, and relevant classical and contemporary scholarly sources.

1. Research Design

This study adopts a qualitative approach using the Juridical-Romantic method combined with the Maqashid Sharia framework. It is both exploratory and descriptive in nature—exploratory to uncover deep understanding of inheritance distribution policies within the framework of Islamic law, and descriptive to comprehensively analyze the phenomenon of inheritance distribution in Indonesia, the European Union, and during the reign of Harun al-Rashid. The primary focus is to analyze the interaction between Islamic inheritance norms, social realities, and the extent to which inheritance practices align with the objectives of Maqashid Sharia. This research uses an interpretive/constructivist

approach to explore how various actors understand and interpret inheritance practices across cultural and historical contexts.

2. *Participants (Population and Sample)*

The study population includes various stakeholders involved in inheritance distribution practices such as religious court judges, lawyers, officials from the ministries of religion and justice, academics, community leaders, and individuals who have experienced inheritance division. In the contexts of Indonesia and the EU, policy makers, notaries, and inheritance law experts are also included. For the historical context of Harun al-Rashid, data will be gathered from classical texts and historical literature. The sample will be selected using purposive sampling based on expertise, experience, and direct involvement in inheritance issues. The estimated number of informants is 15–20, or until data saturation is reached.

3. *Technique of Data Collection*

Data will be collected through three main techniques: (1) in-depth interviews using semi-structured guides to explore informants' perceptions and experiences regarding inheritance distribution practices; (2) document analysis of inheritance laws in Indonesia and the EU, as well as historical texts related to the era of Harun al-Rashid; and (3) limited observation of inheritance distribution processes in religious courts and through notaries. All data will be analyzed using triangulation to enhance validity.

4. *Instruments*

The research instruments include an interview guide, an observation sheet, and a document checklist consisting of statutes, government regulations, fatwas, and historical Islamic texts. An audio recorder, camera, and field notes are also employed to support field data documentation.

5. *Technique of Data Analysis*

Data analysis involves the following stages: (1) transcription of interviews; (2) data reduction and coding to identify key themes related to inheritance distribution; (3) data presentation in the form of narratives, direct quotations, and tables; (4) verification through triangulation; and (5) interpretation based on Islamic legal theory and Maqashid Sharia. A juridical-sociological analysis assesses the gap between legal norms and social practices, while Maqashid Sharia analysis evaluates how inheritance distribution aligns with the five objectives of Sharia: protection of religion, life, intellect, lineage, and wealth.

C. **Finding and Discussion**

Inheritance laws serve as crucial mechanisms for wealth distribution within societies, reflecting cultural, religious, and historical contexts. This section provides an in-depth comparative analysis of inheritance distribution policies in Indonesia, the European Union (EU), and during the reign of Harun al-Rashid, highlighting legal frameworks, practical applications, and underlying philosophies.

1. *Inheritance Laws In Indonesia.*

Indonesia's inheritance system is characterized by its legal pluralism, encompassing Islamic law, customary (*adat*) law, and civil law. The Compilation of Islamic Law (*Kompilasi Hukum Islam* or KHI) governs inheritance for Muslims, emphasizing both consanguineal and affinal relationships. Article 174(1) of KHI specifies male heirs as father, sons, brothers, uncles, and grandfathers; female heirs include mother, daughters, sisters, aunts, and grandmothers. Affinal heirs comprise widows or widowers. Article 183 allows heirs to reach amicable agreements regarding inheritance distribution, provided all parties consent. However, the coexistence of multiple legal systems can lead to conflicts, especially when heirs adhere to different religions or customary practices. For instance, customary laws in certain regions may prioritize matrilineal inheritance, contrasting with Islamic patrilineal principles. Such discrepancies necessitate careful navigation to ensure equitable distribution and social harmony.

2. *Inheritance Laws in the European Union.*

The EU comprises diverse legal traditions, with inheritance laws varying significantly across member states. Generally, these laws are rooted in civil law traditions, emphasizing testamentary freedom. Individuals possess the autonomy to distribute their estates through wills, subject to certain restrictions protecting legitimate heirs, such as spouses and children. To address cross-border inheritance complexities, the EU enacted Regulation (EU) No 650/2012, known as the Succession Regulation. This regulation

harmonizes rules on jurisdiction, applicable law, recognition, and enforcement of decisions, and acceptance and enforcement of authentic instruments in matters of succession. It allows individuals to choose the law of their nationality to govern their entire estate, providing clarity and reducing legal fragmentation.

3. *Inheritance Practices during Harun al-Rashid's Reign.*

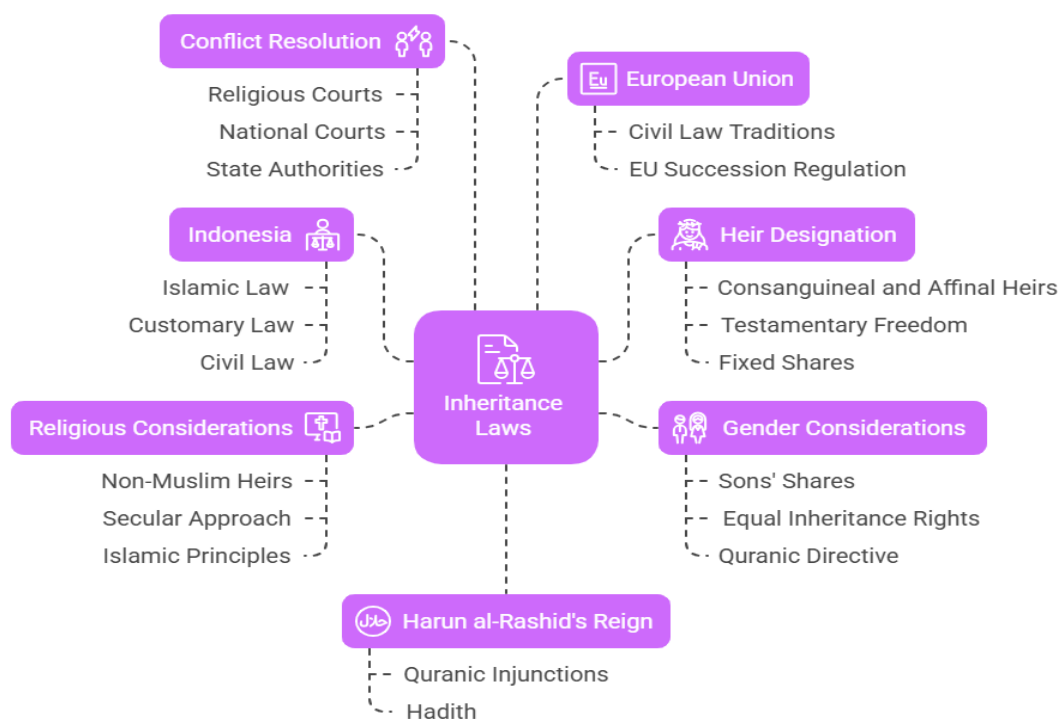
During the Abbasid Caliphate under Harun al-Rashid (786–809 CE), Islamic inheritance principles were systematically implemented, drawing directly from the Quran and Hadith. The Quran delineates specific shares for heirs:

- 1) Sons receive twice the share of daughters
- 2) Parents, spouses, and other relatives have defined portions, ensuring a balanced distribution that reflects familial responsibilities and societal roles.

4. *Comparative Analysis.*

The following table provides a comparative overview of inheritance distribution policies across the three contexts:

Inheritance Laws: Indonesia, European Union, and Islamic Tradition



5. *Case Studies and Judicial Interpretations*

In Indonesia, the application of wasiat wajibah (mandatory bequest) has been instrumental in addressing inheritance rights of non-Muslim heirs. The Supreme Court has expanded the interpretation of Article 209 of KHI to include heirs otherwise excluded due to religious differences, granting them portions of the estate through mandatory bequests.

Conversely, in the EU, the Succession Regulation has streamlined cross-border inheritance, allowing individuals to elect the law of their nationality to govern their estate. This provision offers predictability and respects the decedent's intentions, mitigating potential legal conflicts among heirs.

6. *Societal Implications and Equity*

The inheritance systems reflect broader societal values and structures. Indonesia's pluralistic approach accommodates its diverse populace but requires careful mediation to prevent disputes. The EU's emphasis on individual autonomy aligns with its liberal democratic values, while the Abbasid model underscored communal welfare and religious adherence.

Gender equity remains a pertinent issue. While Islamic law prescribes specific shares, contemporary interpretations and customary practices in Indonesia sometimes challenge these norms, advocating for more egalitarian distributions. In the EU, gender equality in inheritance is largely upheld, reflecting broader commitments to gender parity.

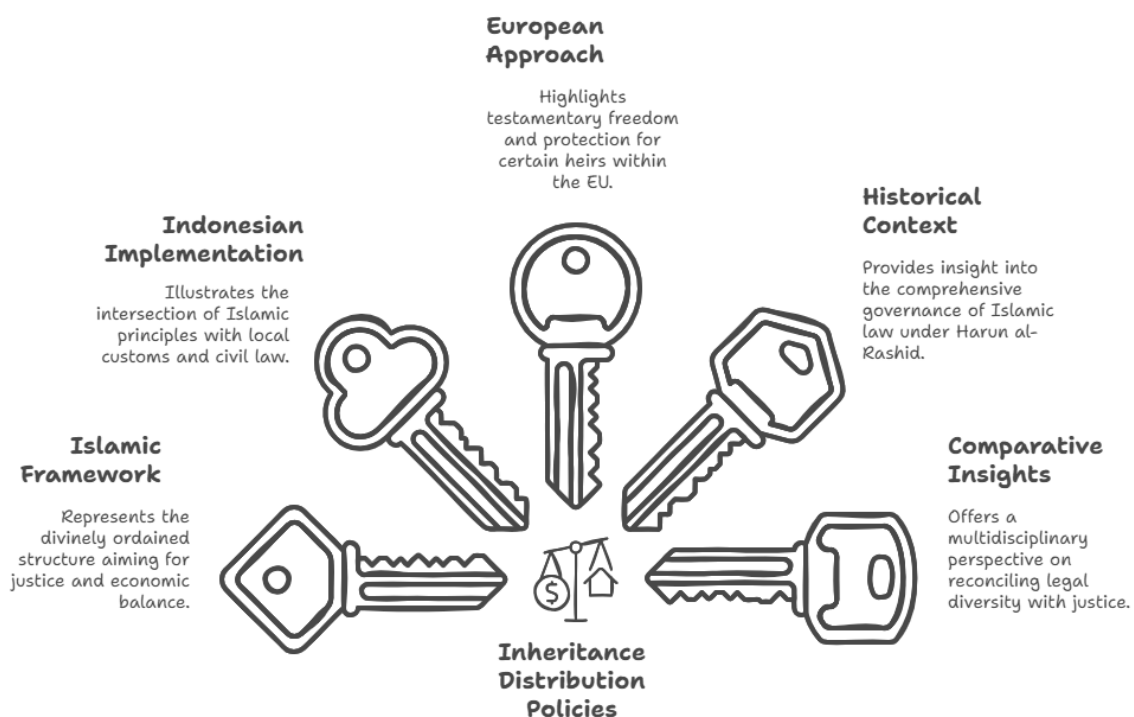
D. Conclusion

This study highlights the multifaceted nature of inheritance distribution policies across Islamic, Indonesian, and European legal systems, as well as within the historical context of the Abbasid Caliphate under Harun al-Rashid. Inheritance law is not merely a matter of legal administration; it embodies profound ethical, social, and religious principles that influence how wealth is transferred, families are structured, and justice is realized across generations.

Islamic inheritance law, with its divinely ordained framework, aims to uphold justice, familial responsibility, and economic balance. Its application in Indonesia—through the Kompilasi Hukum Islam illustrates how Islamic principles are implemented within a pluralistic legal setting, often intersecting with customary and civil traditions. However, the coexistence of multiple legal frameworks presents practical challenges that require harmonization efforts to prevent injustice or legal uncertainty. The European Union, in contrast, emphasizes testamentary freedom while safeguarding certain heirs through reserved portions, reflecting liberal values and individual autonomy. Legal innovations such as the Succession Regulation exemplify the EU's attempt to navigate legal diversity and facilitate cross-border inheritance.

The historical practices of inheritance under Harun al-Rashid provide a compelling illustration of Islamic law as a comprehensive legal and governance system, deeply intertwined with state institutions and social justice initiatives. By adopting a comparative and interdisciplinary approach—integrating juridical, sociological, and Maqashid al-Shariah perspectives—this study underscores the potential of Islamic legal principles to contribute meaningfully to contemporary policy discourse. It advocates for the development of inheritance policies that are not only legally sound but also socially responsive, equitable, and reflective of both tradition and modern values. Ultimately, this research contributes to the ongoing dialogue on how best to reconcile legal diversity with universal principles of justice and welfare in managing inheritance, offering insights that are vital for law reform, policymaking, and community education in pluralistic societies.

Comparative Analysis of Inheritance Policies Across Cultures and Eras



الْبَيْتِ، وَالْبَرَامِجِ الْعَمَلِيَّةِ، ذُرَيْبِ وَاللَّهِ وَالْإِشْرَافِ، اسِيَّةَ، الدَّرِ السَّاعَاتِ أَمْوَالٍ تَأْكُلُوا وَلَا تَكْسَلُوا، لَا إِلَهَ إِلَّا اللَّهُ الْأَسَاتِدَةُ أَيُّهَا أَكْتُبُوا
إِنَّهُمْ نَارَ سَتْدُوقُونَ فَيَأْكُلُونَ! تَفْسِدُوا وَلَا آخِرَ وَشَيْئًا

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